

EDMONDS CITY COUNCIL APPROVED MINUTES

March 15, 2011

The Executive Session that was scheduled at 6:00 p.m. was cancelled. The regular Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Pro Tem Petso in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Lora Petso, Mayor Pro Tem
Steve Bernheim, Councilmember
D. J. Wilson, Councilmember
Michael Plunkett, Councilmember
Adrienne Fraley-Monillas, Councilmember
Diane Buckshnis, Councilmember

ALSO PRESENT

Peter Gibson, Student Representative

ELECTED OFFICIALS ABSENT

Mike Cooper, Mayor
Strom Peterson, Council President

STAFF PRESENT

Phil Williams, Public Works Director
Rob Chave, Planning Manager
Doug Fair, Municipal Court Judge
Joan Ferebee, Court Administrator
Carl Nelson, CIO
Rob English, City Engineer
Mike DeLilla, Senior Utilities Engineer
Gina Coccia, Planner
Jeff Taraday, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

2. APPROVAL OF CONSENT AGENDA ITEMS

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

A. ROLL CALL

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF MARCH 1, 2011.

C. APPROVAL OF CITY COUNCIL MEETING MINUTES OF MARCH 3, 2011.

D. APPROVAL OF CLAIM CHECKS #124125 THROUGH #124237 DATED MARCH 3, 2011 FOR \$166,285.61, AND CLAIM CHECKS #124238 THROUGH #124368 DATED MARCH 10, 2011 FOR \$294,135.36. APPROVAL OF PAYROLL DIRECT DEPOSIT AND CHECKS #50259 THROUGH #50293 FOR THE PERIOD FEBRUARY 16, 2011 THROUGH FEBRUARY 28, 2011 FOR \$649,258.94.

- E. **ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES SUBMITTED BY CHRISTOPHER FIFE (\$2,294.17).**
- F. **ACCEPTANCE OF WASHINGTON STATE LIQUOR CONTROL BOARD LIST OF BUSINESSES RENEWING LIQUOR LICENSES (JAN./FEB. 2011).**
- G. **REPORT ON BIDS OPENED FEBRUARY 15, 2011 FOR THE ALDERWOOD INTERTIE AND RESERVOIR IMPROVEMENT PROJECT, AWARD A CONTRACT IN THE AMOUNT OF \$224,286.66 TO OMEGA CONTRACTORS, INC. AND APPROPRIATE AN ADDITIONAL \$164,000 TO THE 412-100 WATER UTILITY FUND TO CONSTRUCT THE PROJECT.**

3. COMMUNITY SERVICE ANNOUNCEMENT - PRESENTATION BY THE EDMONDS SENIOR CENTER ON THE JOB TRAINING PROGRAM.

Art Mendel explained he has been working at the Edmonds' South County Senior Center as a volunteer. He is also a baby boomer and has been unemployed for 13 months. He noted that the job training program is multi-faceted but his focus would be on the portion of the program he is involved in, getting baby boomers back to work. His presentation will include 1) facts and data, 2) proposed solutions and 3) convincing the Council and other community leaders to engage in the program.

He provided the following facts and data:

- According to 2010 Census there are 303 million people in the United States.
- 78 million of the 303 million are baby boomers between the ages of 50 and 65, representing 26% of the total population.
- 74 million are children 17 and under.
- Baby boomers and children 17 and under represent 50% of the total population.
- National unemployment is 8.9%.
- Workforce in Everett reports Snohomish County unemployment increased from 9.1% to 9.2%.
- Baby boomers represent 14% of the unemployed. Workforce indicated that 14% represents only boomers receiving unemployment. The number of unemployed baby boomers is closer to 20%.
- Unemployment for boomers in the United States for the last 13 months has remained static at 2 million.
- Using Snohomish County's approximate population of 700,000, half of which is in South Snohomish County (350,000), baby boomers multiplied by unemployment equates to 13,000 baby boomers unemployed in South Snohomish County communities.

With regard to solutions, he acknowledged the federal government has programs to enhance employment but they also have healthcare issues, natural disasters, a war and one-half going on and tremendous budget problems. He summarized the federal government could not be counted on to do more than they were doing. The State is in a similarly difficult position; they have programs and are trying to help but are really stretched. Big business has an unusual methodology; they seem to have a very young person review all resumes and circle key words. After 13 months, it is obvious to him that he does not know the key words. Secondly, some companies are sending the following message: if you have a job, you can apply; if you are unemployed, do not apply.

The solution needs to be addressed as a grass roots effort by leveraging local politicians, Chamber of Commerce and community leaders to encourage businesses to directly interview boomers for jobs. He recognized a company could not be asked to discriminate based on age; his request was simply that they interview boomers. He summarized predictions are for 2-3 more years of the current business conditions. He has appointments with Mayor Cooper and has invited the two Councilmember who are on the Senior Center Board to meet with him. He offered to meet at any place, anytime to discuss this issue.

Councilmember Wilson pointed out the percentage of people ages 18-24 looking for a job and unable to find a job is approximately 55%. He acknowledged unemployment was an issue for baby boomers as well as 18-24 year olds and was central in the Council's deliberations. He thanked Mr. Mendel for his presentation and for highlighting this issue.

Councilmember Fraley-Monillas commented about half the Council are baby boomers and they understand the plight of unemployed baby boomers.

Mr. Mendel invited the communities of Edmonds and Lynnwood to Creative Transitions on March 19, an open and honest forum to provide information and describe opportunities for baby boomers. The event will be at the South County Senior Center on March 19, from 9:30 to 11:00 a.m.

Councilmember Buckshnis advised she has met with the curriculum person at Edmonds Community College and suggested Mr. Mendel also meet with her. Mr. Mendel advised he has an appointment at Edmonds Community College to discuss training.

4. UPDATE FROM SUSTAINABLE WORKS

Kelly Stickney, Outreach and Marketing Manager, Sustainable Works, explained this was a report approximately two-thirds through the project. She will return with a final update that will include information regarding job creation, completed retrofits, carbon impact, etc.

Sustainable Works has finished their official outreach and have 367 people signed up for energy audits. She acknowledged that was short of their goal of 500 but is the largest project they have done in Washington State. Energy audits have begun; as of today they have completed 160 audits in Edmonds and Lynnwood and are booked for energy audits through the end of April. She anticipated they would complete approximately 200 energy audits in the two cities. She noted two-thirds of those signed up are from Edmonds. Of the 160 audits they have completed, 44 were done free of charge. They have contracted 31 full energy retrofits for residents. Given the current pace, she anticipated 100 full energy retrofits would be completed in the two cities.

Ms. Stickney advised their next project will be in Shoreline. In the past because of the distance between projects, there was a definite cutoff date. Because their next project is in Shoreline, they will continue to sign up people for energy audits through April 15. She encouraged residents of Edmonds and Lynnwood to sign up for an energy audit and to inform anyone they knew in Shoreline of the upcoming opportunity.

Councilmember Buckshnis inquired about the timeframe between the audit and the retrofit. Ms. Stickney explained the customer has a great deal of control over the pace. When a person signs up for an audit, they can inform the client liaison that they need a month before they would be ready for an audit. Because of the location of the next project, a 1-2 month delay would be possible. After the consultation, they encourage people to make a decision as quickly as possible because projects are bundled with others. If someone needs more time to think about doing an energy retrofit that is possible. Once a resident signs the contract for the retrofit, unless there are unforeseen circumstances such as asbestos, it typically takes one week to finish the retrofit.

5. AUDIENCE COMMENTS

Al Rutledge, Edmonds, referred to the earthquake in Japan, commenting the next earthquake is predicted to occur in Washington or Oregon. Since he began attending Council meetings in 1988, the issue of public safety for Edmonds citizens following an earthquake has been discussed twice. He recommended the Council request staff provide a presentation within the next 30-60 days regarding the City's plan for

the safety of citizens. He recalled this had last been discussed 6-7 years ago. Next, he requested the Crime Prevention program be restored in the 2012 budget.

Jodi Pugsley, Edmonds, a volunteer at the South County Senior Center, provided further details regarding the March 19 forum at the Senior Center. She explained the Executive Director of the Senior Center recognized there were several unemployed boomers and put them together. They found they were not alone and she recognized there were many other amazingly intelligent professional baby boomers. The group began to turn their fear into positive action. The more they got together, they began to have success stories – people finding jobs. They want to share that with others as well as networking opportunities and resources. The forum will also share how people begin to look at their life differently and ways to get employers to look at baby boomers. With regard to Councilmember Wilson's comment about the 18-24 age group, she explained her college graduate son is also sending out resumes; he gets interviews, she does not. She summarized baby boomers are the new unemployables. She encouraged baby boomers to attend the forum.

In response to Mr. Rutledge, Councilmember Wilson advised Friday morning following the earthquake in Japan and in preparation for a potential tsunami or high water situation, Mayor Cooper, Public Works Director Phil Williams, Community Services/Economic Development Director Stephen Clifton and other staff members went to the waterfront to observe conditions. He invited Public Works Director Phil Williams to speak to the City's preparedness for an emergency response.

Mr. Williams explained emergency preparedness was something staff is always doing and the City's emergency plan was recently reviewed to update contact information, ensure supplies are readily available, emergency kits are in vehicles, etc. The entire Puget Sound area is geared toward rapid response in the event of an earthquake as well as other weather-related emergencies. He expected there would be more discussion regarding a tsunami in the future. The key is to be ready to respond to any kind of emergency, having communications established and determining the roles for each department, department head and agencies. The City's Emergency Operations Center (EOC) will be opened later this year for an exercise. Emergency Services Coordinating Agency (ESCA) is an umbrella organization for South Snohomish County cities in events that have a regional impact. He summarized the area was well prepared regionally and it was constantly under review.

Councilmember Fraley-Monillas commented the City may never be able to be prepared for a magnitude 9 earthquake but did its best to ensure everyone was as safe and secure as possible. At today's Health District meeting, the Director stated the risk of radiation in this area is very low as any radiation would be dissipated by the time it reached the West Coast. The Health District is monitoring the situation.

6. CLOSED RECORD REVIEW OF THE HEARING EXAMINER'S RECOMMENDATION TO APPROVE A FENCE HEIGHT VARIANCE FOR PUD, FILE PLN20100070. THE PROPERTY IS LOCATED AT 9005 244TH STREET SW IN THE RS-8 ZONE. THE PROPOSED REPLACEMENT FENCE AROUND THE EXISTING SUBSTATION WOULD BE 8-FEET TALL.

Recognizing that the Council has not had a closed record review recently, Mayor Pro Tem Petso requested City Attorney Jeff Taraday provide introductory remarks about the process. Mr. Taraday explained there are two important issues, 1) it is a closed record review, and 2) it is quasi judicial. In a quasi judicial matter, the Council sits as a body of judges rather than a body of legislators. Special rules apply in the quasi judicial setting that do not typically apply to the Council's routine work as legislators. One of those is the proceeding must be fair in actuality and also appear to be fair. Although a Councilmember may feel they can be objective and not let their personal interest affect their vote, if a Councilmember has a personal interest, it may appear to the public that he/she cannot be fair. Therefore Councilmembers will be required to disclose whether they had any potential bias on the matter.

The other issue in a quasi judicial matter is a Councilmember may not have ex parte communication with the applicant, opponent, etc. Therefore Councilmembers will be asked to disclose whether they have had ex parte communication. If a Councilmember has, they simply need to disclose the communication. This affords the other parties an opportunity to rebut the substance of the communication.

In an open record hearing anyone can provide testimony. In a closed record review, the only people who can participate are those who participated in the earlier open record hearing. In this case there was an open record hearing before the Hearing Examiner. Not only are the participants limited, they are also limited in what they can say. Participants cannot introduce new factual evidence that was not submitted to the Hearing Examiner during the open record hearing. The record has already been created; tonight is a review of the record established at the lower level.

Councilmember Plunkett pointed out the parties of record in Exhibit 1 does not include people who spoke at the hearing. It was his understanding that people who spoke at the hearing such as Mr. Rutledge, were parties of record. Mr. Taraday explained Exhibit 1, Staff Report, lists parties of record but it is prepared prior to the open record hearing. The testimony portion of the Hearing Examiner's decision (Exhibit 3, page 1) identifies individuals who presented testimony under oath at the open record hearing and lists Alvin Rutledge as one of the four individuals who provided testimony. Those are the four individuals who will be allowed to participate in the closed record review.

Mayor Pro Tem Petso opened the closed record hearing. She asked whether any Councilmembers would be recusing themselves from participation on this item.

Councilmember Plunkett advised one of the parties of record is Alvin Rutledge. He has had any number of conversations with Mr. Rutledge and knows Mr. Rutledge but has not had any conversations with him regarding this matter.

In order to ensure the hearing is fair and appears fair, Mayor Pro Tem Petso asked Councilmembers to make disclosures regarding their interest in the property or issue, financial benefit, any communication with the parties of record, proponents or opponents of the issue.

Mayor Pro Tem Petso disclosed that immediately prior to tonight's meeting she had an ex parte communication with Mr. Rutledge. Mr. Rutledge approached her prior to the meeting and informed her that his letter in the Council packet was intended to have been for another item before the Hearing Examiner regarding Scott's Bar & Grill. She assumed the attachment Mr. Rutledge intended for this hearing was in the Scott's Bar & Grill file. She offered the parties of record an opportunity to rebut her ex parte communication with Mr. Rutledge.

Planner Gina Coccia explained Exhibit 2, Mr. Rutledge's letter, was formatted to match the Hearing Examiner agenda which had items A and B. At the January 6, 2011 Hearing Examiner hearing and the continued hearing on January 20, Item A was the PUD's request for a variance and Item B was Scott's Bar & Grill. Mr. Rutledge's comment was in regard to Item A. Mr. Rutledge also provided oral testimony at the Hearing Examiner hearing.

Councilmember Wilson disclosed he knows Mr. Rutledge and has had several conversations with him; none of those conversations have been related to this matter. He has a professional relationship with PUD executives but none of his communications have been in regard to this matter.

Councilmember Buckshnis disclosed she has had professional conversations with Mr. Rutledge but has never discussed this matter.

Mayor Pro Tem Petso asked whether any audience members objected to the participation of any Councilmember. There were no objections voiced.

Staff

Ms. Coccia referred to Exhibit 1, the original Staff Report and attachments that also contain parties of record who participated to that point; Exhibit 2, public comment letter; Exhibit 3, Hearing Examiner's recommendation; and Exhibit 4, applicable City codes.

She explained Snohomish County PUD is replacing electrical equipment at their substation on the corner of 244th and 90th Avenue West in the RS8 zone. The substation has been in that location for approximately 40 years and was annexed into the City in 1995. PUD has requested a variance because they are replacing the existing 8-foot fence with a new 8-foot fence as required by their standards. The footprint of the equipment and fence will change slightly and a building permit will be required.

A variance is required for all fences over the 6-foot height limit. Exhibit 1, Attachment 4 contains photographs of the typical fence they are required to install for safety purposes. It is approximately 7 feet tall plus 1 foot of barbed wire. New landscaping is proposed around the outside perimeter of the fence. Variances are processed as a Type III-B permit as described in ECDC 20.01.003.A and B. The variance request was reviewed by planning staff with a recommendation to the Hearing Examiner. Because it is related to public safety, the Hearing Examiner provides a recommendation to the City Council.

For a variance to be approved, six findings in ECDC 20.85.010 must be met. The Staff Report describes staff's finding that all criteria are met (Exhibit 1, Pages 4 and 5). The Hearing Examiner also found in her Finding and Conclusions (Exhibit B, Pages 2-6) that all six criteria have been met. The applicant provided testimony at the hearing after being questioned by the Hearing Examiner that if the fence height variance were not approved, the necessary substation upgrade could not proceed without the safety fencing and eventually the equipment would fail, resulting in an interruption of electric service to the region. Staff recommends the Council adopt the Hearing Examiner's recommendation to approve the requested variance.

For Councilmember Fraley-Monillas, Ms. Coccia explained PUD is required to provide fencing of a certain height for safety purposes. If the 8-foot fence were not allowed, they would not be able to replace equipment, the project would not proceed and the equipment would eventually fail as it is over 40 years old.

Proponent

Jim Simpson, Snohomish County PUD, advised he was present to answer questions and had nothing further to add to Ms. Coccia's presentation.

Parties of Record

Al Rutledge, Edmonds, explained at the hearing he raised a point about equipment and whether it was safe. He commented on vehicles parked at the site during the last seven days. Mayor Pro Tem Petso cautioned Mr. Rutledge to limit his remarks to the information that was provided to the Hearing Examiner. Mr. Rutledge pointed out there was not a flag person at the site and they were not doing daily cleanup. He commented there are 8 homes and 32 cars in the neighborhood and they enter along the fence. He also expressed concern that the equipment used for the project would include a large crane and that each project would take 2-3 months.

Councilmember Wilson encouraged Mr. Taraday to stop a speaker who is providing information outside the record. He noted any new information provided during a closed record review jeopardizes the entire process.

Councilmember Fraley-Monillas asked if the Council was to consider the written document, Exhibit 2, with regard to Mr. Rutledge's comments. Mr. Taraday answered the Council can consider part A of Mr. Rutledge's written comments and the Hearing Examiner's summary of his oral remarks in Exhibit 3, Page 4, Item 14.

Councilmember Plunkett referred to Exhibit 3, Page 4 of 6, observing Mr. Rutledge is concerned about public safety and the security of PUD gear and equipment during construction. He assumed that was related to one of the six variance criteria that need to be met, "The proposal should not be detrimental or injurious to adjacent property owners nor to the public's health, safety or welfare."

Mr. Simpson responded PUD constructs their substation fences in accordance with the National Electric Safety Code which recommends the fence height PUD plans to install. All fence heights for PUD substations are at least 8 feet high, some are higher. A fence of 8 feet in height is constructed to ensure public safety regardless of whether there are adjacent residences. He commented the National Electric Safety Code is adopted in WAC.

Ms. Coccia referred to Exhibit 1, Page 3, Community Facilities, which states pursuant to ECDC 17.100.050.B, "...electrical substations shall be adequately screened from adjacent residential properties with a solid wall or sight-obscuring fence not less than six feet in height..." She noted that wording suggests a fence would be taller than six feet. At the public hearing Mr. Rutledge provided testimony regarding safety and construction and asked questions regarding the logistics of the project. She described the requirement for a building permit and encroachment permit to the Hearing Examiner.

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO ADOPT THE HEARING EXAMINER'S RECOMMENDATION TO APPROVE THE REQUESTED VARIANCE.

Student Representative Gibson asked if this was only about the fence height, not construction or encroachment on neighbors. Mayor Pro Tem Petso answered it was. Because the Council had not had a closed record hearing recently, additional time was spent reviewing the procedures for a close record hearing.

MOTION CARRIED UNANIMOUSLY.

Councilmember Wilson commented in the past the Council had a number of closed record hearings but the Council was subsequently taken out of the appeal process. Therefore some Councilmembers have never participated in a closed record hearing before. This was a useful refresher regarding the process.

Councilmember Fraley-Monillas asked how long it had been since the Council had a closed record hearing. Councilmember Wilson answered the Council was taken out of the appeal process in late 2008. Councilmember Plunkett remarked there had not been many land use decisions/applications recently due to the economic climate.

7. ANNUAL REPORT - MUNICIPAL COURT JUDGE

Municipal Court Judge Doug Fair thanked Court Administrator Joan Ferebee, who collected information for him from AOC. He noted the court's report was later this year because AOC was unable to provide

information until mid-February. He also thanked Probation Officer Sherrie Leyda who provided information regarding the number of people who used alternative confinement. He thanked Assistant Police Chief Gerry Gannon who provided information regarding the jail budget.

Judge Fair displayed a comparison of yearly filings, commenting filings have remained stable for the past few years primarily due to stable police staff and stable enforcement policies. He reminded if the Council added to the police force, filings would increase. He displayed a comparison of case filings by year 2005 – 2010, by case type – infractions, nuisance type violations, parking tickets, DUI, criminal traffic and criminal non-traffic. He summarized parking tickets were down, DUI and criminal traffic were up.

He provided a comparison of gross revenues by month and year 2005 – 2010, noting the increase from \$1.24 million in 2008 and 2009 to 1.27 million in 2010, was not a large increase over the last 3 years. Filings and gross revenues track fairly closely. He provided a revenue status report, advising 2010 was less than anticipated, approximately 86% of estimate. The three primary areas that were down were passport revenue, probation monitoring fees and collections of in-house electronic home monitoring (EHM). He explained passport applications are at an all time low since the program began in 2003. EHM is primarily outsourced because the in-house EHM units are not compatible with most phone systems and are not compatible with cell phones which many people have begun using instead of a land line.

Probation monitoring is down significantly. When he became the City's municipal court judge in 2005, there were approximately 5,000 filings and now there are approximately 7,700, a 45% increase in filings. To accommodate the loss of half a staff person or a 7% reduction, he stopped doing probation on less serious offenses such as DWLS3, no valid operator's license, failure to transfer title, etc. In his experience putting those types of offenders on probation has little effect on their behavior. When a person is on probation, the court collects a probation fee as part of costs, fines, and fees and the entire probation fee is collected by the City and not shared with the State. For example, a typical case has a \$500 fee and a \$125 probation fee is collected each year. With not placing DWLS3 on probation, which comprises 25-33% of total filings, the entire fine is shared with the State. Gross revenues are \$1.27 million and net revenues are \$800,000 because State law mandates the fines be divided between the State and City.

Judge Fair provided an expenditure status report, explaining expenditures were under budget, approximately 92.69% of estimate primarily due to staffing. The court lost 2 staff members with 12 years combined experience and step-level increases and replaced them with 2 new employees. Their net revenue centers exceeded their net expense centers by approximately \$63,000. He explained that was only revenue and expense centers in the court, not the criminal justice system as a whole. Once the public defender, prosecutor, jail, etc. are added in, criminal justice will always be a money loser and is part of the City's and society's duty.

He provided a comparison of passport revenue by month and by year, commenting there had been a steady decline since 2007. He anticipated this was due to enhanced licenses and because travel is a luxury.

Judge Fair commented on the savings due to the use of alternative confinement such as EHM and the SCRAM (Secure Continuous Remote Alcohol Monitor) bracelet. SCRAM bracelets are used primarily as a pretrial release monitoring program for people with DUI or alcohol issues. Instead of awaiting their trial in jail, they are released with a SCRAM bracelet that monitors their alcohol consumption via the alcohol that is sweated out through the skin. A report is provided within 1-2 days if they consume alcohol. This allows those people to be out of jail as long as they do not consume alcohol. They also use community service which allows for 8 hours of community service in lieu of 1 day in jail. Use of alternative confinement saves a \$90 booking fee and a \$62.50 daily jail cost. He estimated approximately 3,400 days were saved via EHM and SCRAM which includes approximately 600 days of mandatory EHM for second

or more DUI offenses. His report states approximately \$13,000 was saved via the use of EHM and SCRAM; but it is actually closer to \$176,000. Adding in community service, the savings is approximately \$237,000.

Judge Fair recalled he demonstrated the video hearings during last year's report. The biggest advantage of video hearings is safety; prior to video hearings, 10 defendants were brought to court every Wednesday. The court does not provide the safest environment as it was designed as a community center and not a secure court facility. Another advantage is cost; prior to video hearings, two police officers were paid overtime once a week for four hours. Since video hearings began, only one person has been brought to the court because they refused to participate via video. Police overtime was reduced from \$28,600 to \$2,600, a \$26,000 direct savings in one year. While bookings increased between 2009 and 2010 by 9%, the jail hours and the jail budget went down between 2009 and 2010. That is because the court is seeing more people, seeing them faster and getting their cases resolved safely and more quickly. Instead of one group of 10 defendants once a week, he can see 20-25 every week via 2 calendars. The video hearings have achieved all its objectives and did not cost the City anything as the system was paid for via State court improvement funds.

Judge Fair explained there is a rule being submitted to the Supreme Court regarding case load limits for public defenders regardless of whether they are municipal or superior court. The proposed caseload is well below caseloads currently carried by the majority of district and municipal court public defenders. If this rule is eventually passed, and it appears there is a chance it will, more public defenders will need to be hired to meet the current caseload. For example, the number that is being recommended is 400 cases per attorney per year. In 2010 the City had 1700 criminal cases and at least 1200 were handled by public defenders. The City now has one primary public defender serving the court; if caseloads are strictly enforced, three public defenders would be required costing the City more to meet the caseload. He acknowledged the public defender was not paid out of his budget but this was something the Council needed to be aware of. He suggested contacting Association of Washington Cities (AWC) to lobby for a more realistic caseload level.

Councilmember Buckshnis noted the revenue stream 2005-2007 was fairly stable throughout the year. She inquired about the spikes in 2008, 2009 and 2010. Judge Fair answered it depends on when people pay. There tends to be a spike in March and April; people often pay when they receive their tax returns. Ms. Ferebee explained due to the recession defendants often pay a lower amount or miss payments. They are put back on a payment plan in an effort to keep revenue coming in and allow them to keep their license so that they can continue working.

Councilmember Buckshnis inquired about criminal cost recoupment. Ms. Ferebee answered that was warrant fees. If a person gets a warrant and comes to court before they are picked up, they are allowed to pay \$50 in order to receive a new court date. The maximum that can be charged is \$100. If they write to the Judge stating they do not have the money, it can be waived. Judge Fair remarked it was less expensive than booking them into jail.

Councilmember Buckshnis observed the professional services interpreter expense has increased. Judge Fair commented the population is becoming more diverse and a number of different interpreters have been needed. It is required that the court pay for interpreters for all cases and for them to meet with their public defender, probation officer, etc. Ms. Ferebee acknowledged it was one of the biggest costs in the court system. Judge Fair anticipated that cost would continue to rise. They try to batch interpreter services with Lynnwood.

Councilmember Wilson recalled the compensation in the public defender contract is on a per case basis. Judge Fair explained the public defender charges per case if they are assigned but do a bulk rate for

arraignment/first appearances and the video calendar. That often allows for early dispositions or early resolution of cases. Councilmember Wilson observed a caseload limit would not affect the cost because the City was already paying on a per case basis. Judge Fair advised the public defender's cost of business would increase because they would need more attorneys and they likely would pass that additional cost on to the City.

Councilmember Fraley-Monillas asked if the court uses a collection agency. She asked whether the court was receiving less revenue because people did not have the money. Ms. Ferebee agreed people often do not have money. People are sent to collections and wages are garnished if they have a job. The collection agency charges an additional fee. For example if the fine was \$100, it is \$135 at the collection agency. The court does not make any additional money from the collection agency and the collection agency is not paid by the court. The purpose of the court is justice and to make sure people do the right thing. She will recall a fine from collections and establish a payment plan. Many courts' revenues are down substantially, Edmonds Municipal Court tries to work with the defendant, keeping them driving so that they can continue working.

8. DISCUSSION AND POTENTIAL ACTION REGARDING A SPECIAL COUNSEL AGREEMENT FOR LEGAL SERVICES WITH OGDEN MURPHY WALLACE.

Mayor Pro Tem Petso relayed Mayor Cooper's request that the Council approve the Special Council Agreement.

Councilmember Bernheim explained this was not a contract for a particular case but was a general services contract on an as needed basis and a fee schedule. He found both very reasonable.

COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER WILSON, TO AUTHORIZE THE MAYOR TO SIGN THE SPECIAL COUNSEL AGREEMENT FOR LEGAL SERVICES WITH OGDEN MURPHY WALLACE.

Councilmember Fraley-Monillas pointed out there were five specific cases identified in Mayor Cooper's memo regarding City Attorney Transition. Mayor Pro Tem Petso explained it was Mayor Cooper's intent to have Mr. Snyder wrap up these five cases if possible as well as preserve the flexibility to reevaluate if these cases are not concluded in a reasonable amount of time.

Councilmember Fraley-Monillas commented according to Mayor Cooper's memo, the cases were to be completed by the end of March. Mr. Taraday advised his understanding was the five items listed in Mayor Cooper's memo were expected to be concluded within March or were items where the remaining work is insignificant but there is significant history and in Mayor Cooper's opinion it was appropriate to have Ogden Murphy Wallace complete them. He was not necessarily part of the decision-making but that was his understanding.

Councilmember Fraley-Monillas asked what Mr. Taraday would prefer. Mr. Taraday answered he did not have issue with the proposal. The first two items on the list may already be concluded. The limited monitoring of the solar project may extend beyond March but the remaining work appeared to be very insignificant. He was not familiar with the fifth item, completing an ILA for a child interview specialist.

Councilmember Plunkett referred to the scope of work, noting it states special counsel shall generally provide legal services as assigned by the Mayor and City Council and shall provide such other or additional services. It appears the contract is for the five specific cases as well as having Mr. Snyder available for other issues that may arise. He asked whether it was Mayor Cooper's intention to have Mr. Snyder in the bullpen. Councilmember Bernheim responded bullpen is the wrong analogy as use of the

bullpen is typically anticipated in baseball. He viewed Mr. Taraday as a “nine-inning kind of guy” and that he could handle most of the City’s legal work. The five cases in Mayor Cooper’s memo were things that would be completed in a short period of time. The letter states for those things not completed by the end of the month, Mayor Cooper would return to the Council with a recommended plan for transition. If an attorney needed to fill in due to a conflict or Mr. Taraday or the other attorneys at the Lighthouse Law Group were unavailable, Mr. Snyder would be available.

Councilmember Plunkett commented the language in the contract appears to suggest Mr. Snyder will be available in the future, shall generally provide legal services as assigned by Mayor and City Council. It appears Mr. Snyder will not only conclude the five matters listed in Mayor Cooper’s memo but Mr. Snyder has been identified as counsel for use in the future. He was generally okay with that because it stated Mayor and City Council; if something came up and Mr. Snyder was proposed there would be an opportunity to address it. He was surprised the language in the contract did not only address the five matters.

Mayor Pro Tem Petso advised Mayor Cooper met with her a week ago. His intent was purely a transition agreement as stated in the agenda memo. She agreed with Councilmember Plunkett that the language in the contract was broader than that.

Councilmember Fraley-Monillas did not view this as a transition agreement. The scope of work states assigned by the Mayor and City Council and shall provide such other or additional services as may from time to time be requested by the City. Under the effective date and duration, it states this contract shall take effect immediately upon execution and shall continue in effect until terminated or renegotiated by either party. One of the primary reasons for hiring the Lighthouse Group was to save money. She did not anticipate the City saving money by hiring the former City Attorney. She understood the need for Mr. Snyder to conclude the identified matters but was uncomfortable with the lack of an expiration date.

Councilmember Buckshnis shared the concern, suggesting the contract refer to the cases in the attached memo.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO AMEND THE SCOPE OF WORK, COMPENSATION, TO READ, “SPECIAL COUNSEL SHALL GENERALLY PROVIDE LEGAL SERVICES AS ASSIGNED BY THE MAYOR AND CITY COUNCIL WITH THE CONSENT OF THE CITY COUNCIL...”

Councilmember Plunkett explained his intent was to make the statement stronger. Councilmember Bernheim commented the verbiage Councilmember Plunkett added could make it sound like the Council has little input into the matter other than consenting to it. Councilmember Plunkett expressed concern that Mayor and City Council could be interpreted as either/or. He wanted to ensure that City Council approval was required if/when Ogden Murphy Wallace performed additional work. Mr. Taraday offered to provide amended language.

COUNCILMEMBER PLUNKETT WITHDREW HIS MOTION WITH THE AGREEMENT OF THE SECOND.

Councilmember Wilson commented there needs to be a contract with a law firm that does work for the City; the City has such an agreement with Grant Weed and that contract does not have a termination date. According to this transition agreement, the City needs Mr. Snyder to complete some matters. The justifiable concern by Council is there should be no reason for Mr. Snyder to provide services the Council is not aware of and he should only do things that the Council authorizes. He suggested the following amendment:

COUNCILMEMBER WILSON MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, TO AMEND SCOPE OF WORK, COMPENSATION, TO READ, "SPECIAL COUNSEL SHALL GENERALLY PROVIDE LEGAL SERVICES AS ASSIGNED BY THE MAYOR AND CITY COUNCIL AND SHALL PROVIDE SUCH OTHER OR ADDITIONAL SERVICES AS MAY FROM TIME TO TIME BE REQUESTED BY THE CITY. THE VOTE ON AMENDMENT CARRIED UNANIMOUSLY.

Councilmember Fraley-Monillas commented she will not support the main motion based on the hiring of a new law firm.

Councilmember Wilson hoped the majority of the Council did not share Councilmember Fraley-Monillas' viewpoint because Mr. Snyder has already provided services for which he needed to be compensated. Councilmember Fraley-Monillas assured she did not assume that Mr. Snyder would not be compensated. She was voting in opposition to the proposed contract.

Councilmember Plunkett requested the amended contract be scheduled on the Consent Agenda. Councilmember Bernheim commented Mr. Snyder has not yet agreed to the contract.

Councilmember Wilson clarified the main motion as amended authorizes the Mayor to sign the contract as amended and does not include scheduling it on the Consent Agenda.

City Clerk Sandy Chase restated the amendment as follows:

Paragraph B under Compensation, Scope of Work, would be revised to read, "Special Counsel shall generally provide legal services as assigned by the City Council."

MOTION CARRIED (5-1), COUNCILMEMBER FRALEY-MONILLAS VOTING NO.

COUNCILMEMBER WILSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO ACCEPT MAYOR COOPER'S MEMO REGARDING THE SCOPE OF WORK AND THE TRANSITION AGREEMENT. MOTION CARRIED UNANIMOUSLY.

9. REPORT ON BIDS OPENED FEBRUARY 17, 2011 FOR THE 2010 WATERLINE REPLACEMENT PROJECT, AWARD CONTRACT IN THE AMOUNT OF \$1,834,833.02 TO KAR-VEL CONSTRUCTION COMPANY AND APPROPRIATE AN ADDITIONAL \$273,922 TO THE 412-100 WATER UTILITY FUND TO CONSTRUCT THE PROJECT.

City Engineer Rob English reported on February 17, 2011 the City opened 9 bids to construct the 2010 waterline replacement project. Kar-Vel Construction provided the low bid of \$1,834,833. The project replaces approximately 10,000 lineal feet of waterline along with fire hydrants, replaces two existing pressure reducing stations and adds one new station for improved water service. The construction budget was estimated at \$2,165,000. The majority of funding is from the 412-100 Water Utility Fund. An appropriation of \$273,922 is requested from unspent funds in the 2010 budget. There is also a request for a General Fund transfer of \$104,570 for fire hydrant replacement. This is paid from the 8.7% utility tax that was approved by the Council in June 2009 for this purpose. He recognized Project Manager Mike DeLilla, Senior Utilities Engineer, who was hired last fall and noted this has been his primary effort over the past six months. Staff's recommendation is to award the contract to Kar-Vel Construction.

Councilmember Buckshnis pointed out Ordinance 3789 asks that amendments to appropriations be reviewed by the Finance Committee. She asked if that had been done. Mr. English answered it had been reviewed by the Community Services/Development Services Committee at their March 8 meeting but not by the Finance Committee. Councilmember Buckshnis observed this was an amendment to the budget

and moving money from one fund to another which would require a budget amendment. Mr. English agreed it would eventually be a budget amendment; according to Finance it will be included in the mid-year budget amendment.

Councilmember Wilson observed the utility tax is collected in the General Fund not the Utility Fund. This is appropriately moving money from utility tax in the General Fund into the Utility Fund. There is also essentially a loan from the General Fund to the Utility Fund in the amount of \$104,000 via a transfer. Public Works Director Phil Williams explained the additional 8.7% utility tax approved in 2009 is the source of funds that are collected by the General Fund. When qualifying work is available, money is transferred back to the Utility Fund for hydrant capital projects or operations and maintenance of hydrants. The additional revenue generated by the 8.7% utility tax is approximately \$340,000; the Utility Fund invoices the General Fund as funds are spent on qualifying projects.

Councilmember Wilson asked whether any of the \$340,000 has been spent. Mr. Williams advised funds have been spent year-to-date on operations and maintenance; weekly or monthly invoices are not sent to the General Fund; reimbursement from the General Fund is typically requested at yearend. Councilmember Wilson asked whether it was a foregone conclusion that the invoices would never exceed the \$340,000 revenue stream. Mr. Williams answered no.

Councilmember Wilson asked whether the funds would be taken from next year's utility tax if the invoiced amount exceeded the revenue stream. Mr. Williams answered in the first couple years the utility tax has been collected, that has not been necessary. The 8.7% utility tax in the first two years was higher than was needed to generate the funds necessary to reimburse the work that was done. That would not necessarily be the case every year. The amount of reimbursement depends on the amount of fire hydrant work in the capital program; the amount of operations and maintenance should be fairly consistent.

Councilmember Wilson relayed his concern stems from a less than aggressive level of oversight by the Council and some staff, particularly parks, not keeping the Council informed about project overruns and a relatively flippant assumption that the Council would approve all budget amendments and appropriations. He assured the flippant assumption had not been from Mr. Williams. He wanted to avoid the assumption that the Council would approve every budget amendment and overrun.

Mr. Williams advised the \$104,000 from the General Fund is not necessarily a budget adjustment. The budget adjustment is the \$273,000. \$300,000 was budgeted last year for waterline replacement that did not occur and the request was to re-appropriate that amount to this year's project. He acknowledged that would require a budget amendment either now or as part the mid-year budget amendment.

Councilmember Wilson voiced another irritant that would apply to the next agenda item and was the reason he voted against the Capital Facilities Plan; the City does not have any plan for maintaining capital projects in the City such as roads or facilities and the City just waits until things fall apart and then spends money that has never been budgeted and replaces other projects.

Mayor Pro Tem Petso inquired about the effect of delaying this contract award to allow it to be reviewed by the Finance Committee next month. Mr. Williams answered the contract is ready to be awarded; a delay would result in a day-for-day delay in the project. He commented both committees could have a legitimate interest in this item, certainly Community Services/Development Services which is the home committee for Public Works to discuss infrastructure issues. It is difficult to present a project to two committees in the same evening. He requested the Council provide direction with regard to making those decisions.

Councilmember Buckshnis commented after reviewing Ordinance 3789, she found it states requested rather than required. She relayed the Council's concern with overruns such as at Haines Wharf that were not presented to Council until the money had been spent. She noted it would be helpful to address any overages with the Finance Committee. Mr. Williams advised an extensive conversation regarding that project is scheduled on next week's agenda.

Councilmember Fraley-Monillas commented this project was discussed at the Community Services/Development Services Committee and a decision was made to forward it to the full Council for discussion. She should have recommended it be reviewed by the Finance Committee. Mr. Williams suggested the Council indicate whether they wished to have an item reviewed by two committees because that was generally not the direction staff has been given in the past.

Councilmember Bernheim commented there was no error and it did not need to be referred to the Finance Committee. The Finance Ordinance 3789 requests that when the monthly financial reports are submitted to the Finance Committee, items like this that have a budget amendment associated with it be included.

Councilmember Plunkett commented this issue has been resolved and will be better now as the City moves forward with a cooperative Finance Department. Mr. Williams' cooperation and work with the Council is appreciated by all.

COUNCILMEMBER WILSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AWARD THE CONTRACT TO KAR-VEL CONSTRUCTION COMPANY AND APPROPRIATE AN ADDITIONAL \$273,922 OF WATER UTILITY REVENUE TO THE 412-100 WATER UTILITY FUND. MOTION CARRIED UNANIMOUSLY.

10. RESOLUTION AUTHORIZING THE MAYOR AND STAFF TO DISPENSE WITH COMPETITIVE BIDDING REQUIREMENTS TO ALLOW FOR AN EMERGENCY REPAIR ON THE STORMWATER PIPE IN DAYTON STREET

Public Works Director Phil Williams explained on or about February 20, 2011 a depression in the roadway was noticed in the intersection of Railroad & Dayton. It was very near a new manhole placed last July in a project anticipating the future Burlington Northern double tracking. On February 24 he received a call advising of a sizable sinkhole in the roadway at Railroad & Dayton. Staff called the contractor who set the manhole and requested they look at the sinkhole to determine whether it was related to the manhole. They inspected it and found it had not been grouted as was required in the specifications last July. Staff's initial assumption was that the manhole surcharged and was pumping the soil out, causing the void. Therefore staff contacted the contractor, ICI and requested they fix the problem.

Upon closer inspection they discovered the manhole needed to be repaired but the problem was actually a hole in the 24-inch concrete line approximately 6 feet away from the manhole. It was finally determined that ICI would pay their own costs for the first day's response to diagnose the problem, pay to repair the manhole but replacing 65 feet of the 24-inch concrete line between the manhole and the next manhole with PCV pipe would be the City's responsibility because it was an improvement to the City's system. Because this needed to be repaired immediately, the Mayor and City Attorney determined an emergency could be declared and the declaration of emergency presented to the Council within two weeks. The agenda item is for the Council to approve the declaration of emergency to repair the pipe. That waives the competitive bidding requirement and allows the City to contract directly with ICI who has now completed the bulk of that repair. There is also a contract with ICI with a not-to-exceed amount of \$67,500 cost for the repair.

In videoing the entire pipe, it was discovered to be in very poor condition, cracked throughout its length on the crown as well as cracked and split on the sides where it goes under the railroad tracks. The chosen method of repair would be to line the pipe with one of several potential technologies between the last manhole, this line and the east side of the tracks to this new manhole, and from the second manhole to the stormceptor in the brick work at Olympic Beach Park. It needs to be done this year before the next winter season. That will be a more expensive project and will be presented to the Council on a future agenda. With the Council's approval, the 2011 CIP stormwater projects will be rebalanced to accommodate this project.

Councilmember Fraley-Monillas recalled the Community Services/Development Services Committee was told this would be a 50/50 cost split. Mr. Williams explained the replacement of the 65 feet of pipe is the City's responsibility as it is an improvement to the system. He explained typically with a time and materials contract like this, the Department of Transportation's contract specification language allows for a 29% markup on labor for the contractor. Staff negotiated that down to 10%, a further accommodation by the contractor to partner with the City on this project.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER FRALEY-MONILLAS, TO APPROVE RESOLUTION NO. 1247 AUTHORIZING THE MAYOR AND STAFF TO DISPENSE WITH COMPETITIVE BIDDING REQUIREMENTS TO ALLOW FOR AN EMERGENCY REPAIR ON THE STORMWATER PIPE IN DAYTON STREET. MOTION CARRIED UNANIMOUSLY.

11. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF MARCH 1 AND 8, 2011.

Public Safety & Human Resources Committee

Councilmember Wilson reported the committee discussed the camping ordinance. Last fall the Police Department brought the Council an ordinance banning camping in the streets. He asked it be removed from the agenda and returned to the committee for further review. The committee met with a group of homeless advocates and Assistant Police Chief Gannon advised the compromise reached with the homeless advocates would not be workable without new dollars from the City. Assistant Chief Gannon recommended rescinding the camping ordinance in its entirety. Without the ordinance, Councilmember Fraley-Monillas asked what happens if the Police Department finds someone camping in a City park. Councilmember Wilson clarified the ordinance would not be rescinded, discussion regarding the ordinance will not continue. In practice there are a range of things the Police Department does when they discover a homeless person camping in a City park including referring them to a homeless shelter. There are also discussions underway regarding coordinating with homeless advocates on better communication between the Police Department and shelters. Existing law would preclude anyone being in a park after dusk.

Councilmember Buckshnis recalled Snohomish County recently received funds for homeless shelters. She preferred to have some plan in place and recommended the matter be revisited again in committee. Councilmember Wilson responded that was a different topic than the camping ordinance. Discussions regarding how to help the homeless will continue at the next committee meeting.

Councilmember Fraley-Monillas asked the current procedure for a person found sleeping in their car in a City park. Councilmember Wilson answered the City would not do anything unless there was a complaint. If there was a complaint the police may check on them and inform them of homeless shelters and services.

Councilmember Wilson reported the committee also discussed the City's medical benefits and how to control costs so that the rate of medical inflation does not increase so rapidly while maintaining and

possibly improving benefits to employees. The committee talked with the Human Resources Director and a consultant the logistics of self-insurance and they reported what the Health Benefits Committee learned previously. The committee relayed the Council's interest in applying a large portion of reserve funds. In the second paragraph of the Public Safety & Human Resources Committee minutes, Councilmember Wilson advised the comment regarding 200 employees was not made by Mr. Loos but was a level of employees that had been discussed. Councilmember Wilson pointed out if a number of layoffs are anticipated in the future if additional revenue is not provided via a levy, that is a reason not to move forward with self-funded insurance.

Community Services/Development Services Committee

In addition to items placed on tonight's agenda, Councilmember Fraley-Monillas reported the committee discussed the Home Occupations code. She requested the ordinance be scheduled for a public hearing and that the advertising specify that home occupations are already allowed in all zones. When the matter was discussed previously, Councilmembers received numerous emails from citizens urging the Council not to allow home occupations in their neighborhood when they are already allowed. City Clerk Sandy Chase advised the public hearing had not yet been scheduled, but would be sure that it is.

Finance Committee

Councilmember Bernheim reported the committee addressed possible changes to the public defender contract; options included a monthly flat fee or the current per case rate. The committee then discussed the \$10,000/year Woodway police contract. Staff will develop cost models to demonstrate to Woodway realistic pricing for this service. The monthly General Fund update was postponed to the April meeting as no one from the Finance Department attended the meeting. The committee briefly discussed surplusing of certain items. An amendment to the Equipment Rental Fund Ordinance to allow fire asset transfer was discussed and approved for the Consent Agenda.

12. MAYOR'S COMMENTS

Mayor Pro Tem Petso thanked Senior Executive Council Assistant Jana Spellman for informing her last week that she would be chairing tonight's meeting. She thanked City Attorney Jeff Taraday for meeting with her today to discuss the procedures for the closed record review. She thanked the Council for their patience with her chairing of the meeting.

13. COUNCIL COMMENTS

Councilmember Fraley-Monillas reported the Edmonds Police Department is participating in a Snohomish Health Department program to get old, unwanted medications placed in a safe, secure place. There is a secure drop box at the Edmonds Police Department. The Health Department will incinerate the medications at a facility in Spokane

Councilmember Wilson relayed a story from John Harder, a resident in south Edmonds, whose house was burglarized a few weeks ago. He arrived home at 3:00 a.m. and called 911. The police arrived within 2 minutes and although the burglar escaped, the police got a description and the description was forwarded to other officers. One officer recalled a vehicle with that description at a motel in Edmonds. The police went to the motel and as they were pulling in, encountered the truck containing Mr. Harder's property. He summarized this is a testament to how good the Edmonds Police Department is.

Councilmember Wilson wished the City's former Finance Director Lorenzo Hines well in his new position in Lynnwood. He offered comments from the perspective of one Councilmember that was not made public and only expressed previously in executive session. The experience that some of his colleagues have had was very unfortunate and some of the claims were egregious. He recognized it could

have been him because in 2009 he was very displeased with three different sets of numbers provided during the Fire District 1 negotiations. The Fire District 1 negotiations concluded the first week of November and during the second week of January. Mr. Hines said he did not stand by any of the numbers and though he was hired specifically to review them, did not give them any credence or credibility. With that statement, there was not a single person employed at the City with any financial background who could speak with confidence to those numbers. It was one of the more contentious, challenging and rigorous debates the Council has had.

He met with Mr. Hines, the Human Resources Director and Deputy Mayor in the absence of the Mayor. They were able to work some things out, including that there had been a series of miscommunications, that they now understood each other better and could get along well one on one. From that, he felt he was not able to ask the kind of questions he wanted to ask in his capacity as a Councilmember and felt he needed to stop asking questions and simply vote no on matters related to finance. He voted against the budget and a series of budget amendments, quietly voicing his protest because he felt he did not get the information he needed to cast his vote confidently. Although he wished Mr. Hines well, he commended Mayor Cooper for his attentive and sensitive guidance on this matter. The public is not aware how much time Mayor Cooper spent with individual Councilmembers, allowing them to air their concerns. This could have gone a very different way and it should be a vote of confidence for Mayor Cooper that this ended as amicably and as well as it did and that the City was able to move on.

Councilmember Buckshnis advised the March 17 WRIA 8 meeting will include moving the daylighting of Willow Creek from the 10 year plan to the 3 year plan. She thanked Parks & Recreation Director Carrie Hite, Keely O'Connell, Stormwater Engineer Program Manager Jerry Schuster, and former Parks & Recreation Director Brian McIntosh for moving that project forward. If that project is moved forward, there is a great deal of grant money available.

14. ADJOURN

With no further business, the Council meeting was adjourned at 9:36 p.m.